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10/512,087	04/07/2005	Kiyoaki Takiguchi	261189US6PCT	9110
22850 7590 10/22/2008 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER PARK, EDWARD				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

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**ADVISORY ACTION ATTACHMENT TO PAPER NO. 20081010**

***Response to Arguments***

Applicant's arguments filed on 9/18/08, with respect to **claim 59**, have been fully considered but they are not persuasive. Applicant argues that Miura does not disclose a light source unit is set in a horizontal direction or a horizontally slanted direction with respect to the part of body and the detecting unit is set in a vertical direction or a vertical slanted direction with respect to the part of body (see pg. 2, last paragraph). This argument is not considered persuasive since it can be seen in figure 5, numeral 4, 2, Miura discloses that the light source unit is set in a horizontally slanted direction with respect to the part of body and the detecting unit is set in a vertical direction or a vertical slanted direction with respect to the part of body. The claim calls for a horizontal direction or a horizontally slanted direction for the light source which is essentially a light source that has a horizontal component (x, y coordinate axis) in reference to a part of body which is shown in Miura, figure 5, numeral 2 (light source is offset by a few degrees in reference to the finger). Furthermore, the claim calls for a vertical direction or a vertical slanted direction for the detecting unit which is essentially a detecting unit that has a vertical component (x, y coordinate axis) in reference to a part of body which is shown in Miura, figure 5, numeral 4 (CCD camera is offset by a few degrees in reference to the finger). Both limitations are completely taught by the Miura reference.

Applicant's arguments filed on 9/18/08, with respect to **claim 59**, have been fully considered but they are not persuasive. Applicant argues that Miura does not create an image based on reflected light (see pg. 3, third paragraph). This argument is not considered persuasive

since the argument is a rudimentary concept that is taught by Miura when the CCD camera captures the image of the vein pattern (see figure 5, numeral 4, col. 4, lines 19-31). The claim calls for the detecting unit to detect an image of the light reflected or scattered in the part of body by the light source. A CCD camera captures the light that is sent from the light source, passes through the finger and in doing so is scattered and reflected, and enters the sensor within the CCD camera that is able to create the vein pattern by the light that is scattered or reflected. How would the Miura reference or a camera system work if it did not pick up scattered or reflected light? The applicant seems to be arguing a mute point that is analogous as to arguing that a computer does not need a processor or memory. It is an operational characteristic of a CCD camera that the applicant is choosing to argue, which the examiner stated as being inherent. Applicant further argues that the rejection under 35 U.S.C. 102 appears to be utilizing official notice by asserting certain features as well known (see pg. 3, third paragraph). This argument is not considered persuasive since the examiner utilized the word, "well known", not to invoke official notice but rather state that it is clear that the CCD camera, in its basic functionality in association to Miura, needs to have reflected or scattered light that is passed through the body to obtain a vein pattern of a finger. Again, examiner stresses the fact that a CCD camera captures light that is reflected or scattered, and in the case of Miura, captures reflected or scattered light that is passed through the finger and therefore is able to create a finger vein pattern due to the reflected or scattered light.

Regarding **claims 63, 69, and 74**, applicant argues that the claims are allowable by stating that it would not have been obvious to one of ordinary skill in the art to combine the cited references for arriving at the applicant's claims (see pg. 4, fourth paragraph). This argument is

not considered persuasive since the applicant does not specify why the motivation as previously stated in the final office action is not valid. The applicant has failed to state any reason besides the fact that it would not have been obvious, without any rationale or support. Applicant argues that the claims are allowable due to the dependency and the same reasons as claim 59, and that obviousness has not been presented (see pg. 4, last paragraph). This argument is not considered persuasive since claim 59 stands rejected and the arguments can be seen above and in the previous final office action. This argument is also not considered persuasive since obviousness has been established in the final rejection for claims 63, 69, and 74, and the applicant has failed to explain or support the applicant's rationale and reason of why the motivation is not sufficient. The mere statement that there is no motivation to combine Miura and Murakami is not considered persuasive.